

PI4748USW

Remarks

Currently Claims 1-12, 16 and 25-36 are pending. Claims 19-24 are canceled. Claims 1, 6, 12, 25 and 26 are amended to remove "solvates". Claims 27-36 are added. Claims 21, 23 and 24 are rewritten as new claims 27-32, depending from claim 1. Support for new claims 33-36 may be found throughout Applicants' specification, including at page 8, lines 29-30 and page 9, lines 9-10. No new matter is added. Entry of this amendment is respectfully requested.

Applicants respectfully submit that the amendment to claims 1, 6, 12, 25 and 26 overcomes the rejection of claims 1-12, 14, 16 and 19-26 under 35 U.S.C. §112, first paragraph. Withdrawal of this rejection is respectfully requested.

Applicants respectfully submit that the rejection of claims 19-21 under 35 U.S.C. §112, second paragraph and the rejection of claims 19-22 under 35 U.S.C. §112, first paragraph, are moot in view of the cancellation of those claims.

With respect to the state of the art in the use of NK-1 antagonists for treatment of sleep disorders, Applicants respectfully direct the Examiner's attention to the following references which demonstrate the state of the art prior to the application filing date.

- E. Challet, et al., An NK1 Receptor Antagonist Affects the Circadian Regulation of Locomotor Activity in Golden Hamsters, *Brain Research* (1998) 800:32-39
- PCT Publication No. WO98/02158, *Alteration of Circadian Rhythmicity with a Tachykinin Antagonist*, Merck & Co. published 22 Jan 1998
- E. Challet, et al., The Selective Neurokinin 1 Receptor Antagonist R116301 Modulates Photic Responses of the Hamster Circadian System
- PCT Publication No. WO01/30348, *Use of Substance P Antagonists for Influencing the Circadian Timing System*, Janssen Pharmaceutica N.V., published 3 May 2001.

Notice of Co-Pending Applications

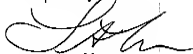
The Examiner is hereby requested to take notice of the following co-pending applications, all of which are jointly owned with the instant case.

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| U.S. Serial No. | U.S. Filing Date | Patent No. |
|-----------------|------------------|------------|
| 10/398,264 | 29-Jul-03 | 7119092 |
| 10/994605 | 22-Nov-04 | 7060702 |
| 11/358631 | 21-Feb-06 | |
| 10/502255 | 28-Mar-05 | |
| 11/608853 | 11-Dec-06 | |

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8222, to discuss this case, if desired.

Respectfully submitted,



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